

Title : Outage-Less Database Change Operation

Inventors : Christopher Parker and Donald Black

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Examiner : Leon Harper

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Customer : 29855

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Commissioner for Patents
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REPLY BRIEF

I. STATUS OF CLAIMS

Claims 1-38 are rejected. Claims 1-38 are appealed.

II. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

Claims 1-38 stand rejected under 35 U.S.C. 103(a) over U.S. Patent 6,070,170 to Friske et al. ("Friske") in view of U.S. Patent Application Publication 2003/0135478 to Marshall et al. ("Marshall").

III. ARGUMENT

In his "Response to Argument" section, the Examiner alleges that the claimed subject matter is implicitly taught by Friske (US 6,070,170). Examiner's Answer at pages 9-10. Relying on Friske as teaching that data indexes as well as the data itself may be reorganized (col. 2, lines 5-10) and that, as a result of reorganization, indices may need to be rebuilt (col. 7, lines 55-63). While Friske certainly states these facets of database management, neither point teach one of ordinary skill in the art *anything* about responding to a command to change the *structure* of a database as claimed. As Appellant has previously pointed out, Friske is directed to a database reorganization operation and, as such, does not address in any way the alteration of a database's structure. See Reply to Office Action Dated 23 May 2006 at page 12, § 3 (¶¶ 1 and 3) and Appellant's Appeal Brief at pages 12-13, § D. To be clear, database reorganization is directed to moving data within an existing database's structure and *not* to the modification of said structure. Further, the fact that indices may need to be rebuilt as a consequence of a reorganization operation is irrelevant. Indices are data in that the information is stored *within* a database (i.e., within the structure defined by the database's catalog). Accordingly, rebuilding indices is akin to shuffling data within an existing database – neither alter in any manner the structure of the database. Since the

claimed subject matter is directed to altering the structure of a database, Fiske provides no support for the Examiner's position.

The Examiner also cites to Fiske at col. 9, lines 22-26 as support that Fiske does teach that catalogs can be rebuilt. Appellant does not deny that when changes to a database's structure are to be made, its catalog must be rebuilt. That, after all, is the essence of the claimed subject matter. However, this is not what Fiske says at col. 9, lines 22-26. Here Fiske is merely saying that if data is to be decompressed a catalog must be built for the decompressed data. Fiske does not state or even suggest that the decompressed data is already within a database. To the contrary, Fiske states that "if the target data set comprises compressed data, then a new dictionary for the compressed data is built in task 424." Fiske at col. 9, lines 22-26 (emphasis added). Again, Fiske is not modifying an existing database catalog, but rather building a new and non-existent structure for the newly decompressed data. Building catalogs is known in the art. However, that is not what is claimed. Each of independent claims 1, 13 and 25 are directed to modifying the structure of an existing database in response to a change command.

Finally, the Examiner's citation to Fiske at col. 9, lines 25-31 and Marshall at ¶ 278 (USPA 2002/0135478) to support his contention that Fiske and Marshall implicitly teach the claimed subject matter is without merit. As suggested by M.P.E.P. 2144.01, for one reference to implicitly teach the elements of a second reference, the disclosures must be very similar. Fiske and Marshall are not directed to altering the structure of a database in response to a change command. Further, nowhere does Fiske, Marshall or Appellant even suggest that one of ordinary skill in the art would reasonably extend a teaching that reorganizing data within an existing database structure or rebuilding an index in response to a reorganization operation, in any way implies the claimed method to alter the structure of a database. Accordingly, Fiske and Marshall alone, or in combination, cannot be held to "implicitly" teach the claimed subject matter.

IV. CONCLUSION

It is respectfully submitted that when M.P.E.P. 2144.01 is considered in light of the above discussion (see also Appellant's Appeal Brief), Friske in combination with Marshall does not render the claimed subject matter obvious. Accordingly, Appellant respectfully requests the Board reverse the Examiner's rejections.

Respectfully submitted,

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